

**HIGH COURT OF TRIPURA
AGARTALA**

W.P.(C) No.675 of 2019

Subhasish Deb

-----Petitioner (s)

Versus

The State of Tripura & Ors.

----Respondent(s)

W.P.(C) No.676 of 2019

Partha Sarathi Ghosh

-----Petitioner (s)

Versus

The State of Tripura & Ors.

----Respondent

For Petitioner (s)	:	Mr. A. Bhowmik, Adv.
For Respondent(s)	:	Mr. D. Sharma, Addl. G.A. Mr. P. Datta, Adv. Mr. T. Debbarma, Adv.

HON'BLE MR. JUSTICE S. TALAPATRA

Order

31.05.2019

Heard Mr. A. Bhowmik, learned counsel appearing for the petitioners as well as Mr. D. Sharma, learned Addl. G.A. appearing for the respondents No.1 & 2 and Mr. T. Debbarma, learned counsel appearing for the respondent No.3.

The grievance as canvassed in these writ petitions being W.P.(C) No.675 of 2019 [Subhasish Deb vs. State of Tripura & Ors.] and W.P.(C) No.676 of 2019 [Partha Sarathi Ghosh vs. State of Tripura & Ors.] fall within a short compass.

The petitioners participated in the selection process initiated by the Tripura Public Service Commission, the TPSC in short, by their advertisement No.04 of 2016 for recruitment to the post of Tripura Civil Service Grade-II and Tripura Police Service Grade-II. But at one point of time, the respondents No.1 and 2 in terms of the memorandum

No.F.20(1)-GA(P&T)/18 dated 20.08.2018 declared that all the new recruitments shall be made only in terms of the new recruitment policy issued by the notification under No.F.20(1)-GA(P&T)/18 dated 05.06.2018. In that memorandum, the following clause has been added:

"4. As regards the candidates who had participated in the cancelled recruitment processes, they are to be given one time relaxation in upper age limit to enable them to participate once in the fresh recruitment process subject to providing documentary evidence of their participation in the earlier recruitment processes for the same post(s)."

The selection process as initiated by the TPSC by their advertisement No.04 of 2019 was sought to be cancelled by the memorandum dated 20.08.2018, Annexure-3 to the writ petitions. According to the petitioners, subsequently the TPSC has initiated the fresh recruitment process for vacancies for which the selection process was cancelled and a new process has been initiated by the Advertisement No.02 of 2019, Annexure-5 to the writ petitions. But in the meanwhile, the petitioners have crossed the maximum age limit. By the notification dated 03.04.2019, the TPSC has declared the names of the persons who are eligible for taking part in the said process. The petitioners' names did not figure in the said notification dated 03.04.2019.

There is no dispute that by the judgment dated 14.05.2019 delivered in W.P.(C) No.412 of 2019 and W.P.(C) No.413 of 2019, the said memorandum dated 20.08.2018 was declared inoperative so far the selection process as initiated by the TPSC by their advertisement No.4 of 2016 is concerned. This court has directed the respondent-TPSC to complete the entire process within a period of 8[eight] weeks. According to the petitioners, since they have crossed the upper age

limit their applications were not entertained by the TPSC in terms of the advertisement No.02 of 2019.

Mr. A. Bhowmik, learned counsel appearing for the petitioners urged this court that since the earlier examination was cancelled and the petitioners had crossed the maximum age limit, they should be allowed to participate in the present selection process as initiated by the TPSC by their advertisement No.02 of 2019. But Mr. T. Debbarma, learned counsel appearing for the TPSC-respondent has relying on the affidavit-in-opposition filed today stated that the selection process as initiated in terms of the advertisement No.04/2016 cannot have any nexus with the selection process initiated by the TPSC by the advertisement No.02 of 2019. The advertisement No.02 of 2019 is in respect of the new vacancies for the posts borne in the Tripura Civil Service Grade-II and Tripura Police Service Grade-II. Moreover, since the cancellation of the earlier selection process has been interfered by this court and the selection process has been restituted, the said clause as referred above by the petitioners from the memorandum dated 20.08.2018 cannot of any help the petitioners.

In rejoinder, Mr. Bhowmik, learned counsel has submitted that this court may direct the TPSC-respondents in equity to relax the age of the petitioners so that they can participate in the process. Subject to the final outcome of the writ petition, the petitioners may be allowed to participate in the selection process.

Having considered the submissions made by the learned counsel for the parties, this court is of the view that no premise has been made out under which this court can direct the respondents to relax the age of the petitioners.

Mr. Bhowmik, learned counsel for the petitioners have further urged that the petitioners are uncertain whether the restituted process would be allowed to its logical end or not. In this regard, the TPSC has in their reply categorically stated that they had already restored the process and they are taking all necessary steps to bring that process to its logical end in terms of the direction of this court. This court does not find any ground for issuing direction to relax the age of the petitioners. The relief in the equity can only be given consistently with law and for perfecting the relief and its efficacy.

Hence, these writ petitions are dismissed.

However, the petitioners may approach the respondents No.1 & 2 for relaxing the age, if they may locate any other ground. If such representation is filed, the appropriate authority shall take decision within a week from the date of receipt of such representation.

There shall be no order as to costs.

JUDGE

Sujay